Supreme Court, U.S.
FILED

02 328 AUG 17 2002

OFFICE OF THE CLERK

No. _____

In The

SUPREME COURT OF THE UNITED STATES

In Re A. LIPKO JR.

V.

M. CHRISTIE, E. LIPKO

Petition for a Writ of Certiorari to the
United States Court of Appeals for the
Second Circuit

APPENDIX TO WRIT OF CERTIORARI

A. LIPKO JR.
P. O. BOX 536
NEW HAVEN, CT 06503
(NO PHONE)

63 pp

APPENDIX

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APPENDIX

STATE OF CONNECTICUT
COURT OF PROBATE
DECREE RE: ADMINISTRATION
AND DISTRIBUTION (pc-262)

Recorded:
Page: 1

Court of Probate, District of Milford
District Number 084

In the matter of: Andrew Lipko 93-0129

Date of Administration Account: 12/8/94

At a Court of Probate held at the place and time of hearing set by the Court together with any continuances thereof, as of record appears, on the fiduciary's application for allowance of the administration account indicated above, ascertainment of heirs and distributees, and an order of distribution.

PRESENT: Hon. Bernard F. Joy, Judge

After due hearing THE COURT FINDS THAT:

Notice was given in accordance with the order of notice previously given.

All succession taxes due to the State of Connecticut have been paid.

The distributees of the rest, residue and remainder of said estate are as set forth in the schedule of proposed distribution in said account.

WHEREFORE, it is ORDERED AND DECREED that:

Said account is allowed and approved.

Any unpaid bequests or legacies shall be paid over to those legally entitled thereto.

The rest, residue and remainder of said estate be distributed, transferred and paid over to and among the distributees or their fiduciaries by the fiduciary of the estate in accordance with the provisions of the Will, and Codicil(s) if any, of said deceased.

It is further ORDERED AND DECREED that said fiduciary make due return of compliance with this Order.

Dated at Milford, CT, this 14th day of August, 1995.

s: Bernard F. Joy,

Bernard F. Joy, Judge

APPENDIX

Court of Probate, District of Milford District No. 084
ESTATE OF:
Andrew Lipko
FORM BEING CONTINUED
Decedent's Estate Administration Account
PROPOSED DISTRIBUTIONS:

Cash on Hand for Distribution	$75,500.00
Funds due from Andrew Lipko, Jr. for Fuel Oil adjustment @ closing	478.50
Personal Effects – taken by Andrew Lipko Jr. To be deducted from his distributive share of the estate	1,000.00
Distributions to be based on a total of	$76,978.50

Distributions as follows:		
To: St. John's Baptist Church Sp. Bequest		$ 500.00
To: Margaret Christie Cash		25,492.83
To: Eleanor Lipko – Cash*		25,492.83
To: Andrew Lipko, Jr. – Cash	25,492.84	
Less Fuel Oil adjust.	478.50	
Less Pers. Effects	1,000.00	24,014.34
Total Cash Distributions		$75,500.00

*NOTE: The amount passing to Eleanor Lipko will be reduced by $4,467.65 as repayment to the City of Milford for Welfare Benefits Received. The net amount passing to Eleanor is $21,025.18.

APPENDIX

DOCKET NUMBER: CV-95-0049467-S

LIPKO, ANDREW JR. *	* SUPERIOR COURT
*	* JUDICIAL DISTRICT
V. *	*OF ANSONIA/MILFORD
*	* AT MILFORD
LIPKO, ANDREW SR.*	*
EST ET AL *	* APRIL 8, 1996

DOCKET NUMBER: CV-96-0053297-S

CHRISTIE, M. ET AL*	* SUPERIOR COURT
*	*JUDICIAL DISTRICT
V. *	*OF ANSONIA/MILFORD
*	* AT MILFORD
LIPKO, ANDREW JR.*	* APRIL 8, 1996

A COMBINED HEARING BEFORE:
THE HONORABLE WILLIAM B. RUSH, JUDGE

APPEARANCES:

CHRISTINE M. GONILLO
Hurwitz & Sagarin, PC
P.O. Box 112
147 North Broad Street
Milford, CT 06460

ANDREW LIPKO JR. (PRO SE)

WILLIAM E. PACIGA
COURT RECORDING MONITOR

*This transcript is not certified if photocopied.

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THE COURT: And absent that then there's no reason to issue a temporary injunction on other matters because Mr. Lipko says he is not going to do them. But I suppose what we can do if any matter is filed by Mr. Lipko in this district, in Milford, then the file should be immediately delivered to me, on the request of either side and I can take up the situation at that time. Because the estate has a right to be protected or know what's going to happen on a case that's ended. And if the only reason it isn't ended is because I issued some order on the fifteenth of March and the appeal period has not expired, once that expired, that's the end of it as far as I'm concerned. So technically I'm going to mark the motion for a temporary injunction off. If anything further is filed in this district then you can reactivate that request and I'll hear it on an expedited fashion. But that would not include any action Mr. Lipko wishes to take with the appellate court .... .

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THE COURT: ... complaint, the underlying complaint. Now assuming that Mr. Lipko does nothing. What...when will the estate be concluded?

MS. GONILLO: I really don't want to close that, have Mrs. Christie do the affidavit of closing until such time as Mr. Lipko decides whether he is going to file an appeal to your ...

DOCKET NUMBERS: CV-95-0049467-S
CV-95-0053297-S

APPEARANCES	*	* SUPERIOR COURT
CHRISTINE M. GONILLO	*	* JUDICIAL DISTRICT
Hurwitz & Sagarin	*	* ANSONIA/MILFORD
P.O. Box 112	*	* AT MILFORD
Milford, CT 06460	*	*
	*	*
ANDREW LIPKO JR.	*	* APRIL 8, 1996

CERTIFICATION

I hereby certify that, to the best of my ability, the foregoing is a true and correct transcript of the tape of the proceedings heard before The Honorable William B. Rush, Judge, in Superior Court, Judicial District of Ansonia/Milford, at 14 West River Street, Milford, Connecticut.

S: William E. Paciga
William E. Paciga
COURT RECORDING MONITOR

*This certificate does not apply to photocopies.

APPENDIX

CV96 0053297	:	SUPERIOR COURT
MARGARET CHRISTIE	:	J.D. ANSONIA/MILFORD
VS.	:	AT MILFORD
ANDREW LIPKO, JR.	:	MAY 1, 1997

B E F O R E:

HON. HUGH CURRAN, REFEREE AT MILFORD

A P P E A R A N C E S:

FOR THE PLAINTIFF: CHRISTINE GONILLO, ESQUIRE

FOR THE DEFENDANT: PRO SE

Patricia Gargiulo

Court Monitor

(Attorney Gonillo questioning Mrs. Christie)

P. 56 Q. And the estate has remained open during this litigation, correct? A. Correct.

Q. Has that caused you to pay for accountant fees due to the estate still being opened? A. Yes, because we have to file federal and state income taxes for the four years that it's been open.

Q. Now the first year you would have paid those anyway. A. M-hm.

Q. But is it your claim that because of Mr. Lipko's litigation you were forced to keep this estate open and forced to file further tax returns? A. Yes.

Q. Now, are you aware of the amount of money being charged to you by the accountant? A. I –

Q. For filing of these tax returns. A. I filed two times after the first year, two times and the first accountant bill was $318. The second was I haven't received yet. ...

P. 57. Q. And do you recall whether you had asked the accountant for a bill for what his fees will be for the next two tax returns he has to file? A. Yes.

Q. And what's your understanding of what the bill will be? A. I haven't seen the bill yet. It just arrived in the last day or so in your office.

Q. Okay. I want to show you a document and I want to ask you if you can identify this. A. Yes, this is a copy of the bill I received from the accountants for the tax year '93 to '94. It must be '94 to '95. '93 to '94 is the first one. This is the bill for the next tax year '95 to '96 and that's for $300. And the estimated bill the last tax year '96 to '97 looks like it's estimated to be another $300. Plus the Connecticut service tax of $36.

MS. GONILLO: Let the record reflect I'm showing this document to Mr. Lipko.

THE COURT: And the purpose of this is to show the additional expenditures that the estate has incurred because it has remained open all this time.
MS. GONILLO: And it does not include the first year.
THE COURT: May be marked as a full exhibit.
CLERK: 19.
(PLAINTIFF'S EXHIBIT 19: Accountant bills)
Q. And Mrs. Christie you've had to expend – withdrawn. The estate has had to expend sums of money in defending litigation brought by Mr. Lipko. A. Yes.
P. 58. Q. Do you have a general idea of what the approximate amount of that sum is? A. Close to $40,000.
Q. And your Honor, I have in my hand an affidavit in support of attorney fees. Let the record reflect I am going to have Mr. Lipko look at the original.
THE COURT: May be marked.
CLERK: 20.
(PLAINTIFF'S EXHIBIT 20: ATTORNEY FEES AFFIDAVIT)
Q. Mrs. Christie, I'm going to show you a copy of what's been marked as Plaintiff's Exhibit 20 and ask you to review it with me. The first exhibit consists of a bill for work that the firm did from August 24, '92 to January 31, '95, correct? A. Yes.
Q. This includes the probate estate work, right? A. Yes.
Q. It includes things that was done before the probate –
MR. LIPKO: I'm going to object. If counsel is going to ask a question, let her ask the question.
THE COURT: I agree. Sustained.
Q. Now, could you please read into the record now that this is a full exhibit, what the total time value on the second page for all of that service was. A. The total value was $26,128.30. ...

P. 64. Q. That afternoon you went to the Probate Court to ask that Probate Court approve the fees coming out of the estate to pay for this appeal? A. Yes. ...

Q. When's the next time you came down? A. August 14, 1995, the Probate Court hearing the final accounting. My brother did not appear but the final accounting was done that day.

Q. And that was the day we were able to go forward and get the final accounting approved. A. Yes.

Q. And when was the next time you came down, Mrs. Christie? A. March 11, 1996.

Q. What was that for? A. That was Superior Court also and that was our motion for temporary injunction and his appeal from the Appellate Court.

Q. Okay. And the next time you came down? A. March 25, 1996 in the Superior Court on the motion for temporary injunction and his motion to reopen the appeal.

Q. Was that March or May of '95? ...

CASE NO. CV96 0053297 * SUPERIOR COURT
MARGARET CHRISTIE *J.D. OF ANSONIA/MILFORD
VS. * AT MILFORD
ANDREW LIPKO, JR. * MAY 1, 1997

CERTIFICATION

I hereby certify that the foregoing is a true and correct transcript of the above-entitled case, heard before the Hon. Hugh Curran, Referee, at the Superior Court, Judicial District of Ansonia/Milford at Milford, Connecticut on the 1st day of May, 1997.

Dated at Milford, Connecticut on this the 23rd day of September, 1997.

s: Patricia Gargiulo
Patricia Gargiulo
Court Monitor

APPENDIX

No. A.C. 17591

M. CHRISTIE ET AL. : APPELLATE COURT

V. : STATE OF CONNECTICUT

ANDREW LIPKO, JR. : DECEMBER 10, 1997

ORDER

THE MOTION OF THE PLAINTIFFS', FILED OCTOBER 6 1997, TO DISMISS APPEAL,

ORDERED denied as to any issues relating to equitable relief; granted as to any claims relating to damages.

BY THE COURT,

s: Michele T. Angers
Michele T. Angers, Esq.
Deputy Chief Clerk

NOTICE SENT: 12/12/97
HURWITZ & SAGARIN, P.C.
ANDREW LIPKO, JR., pro se
TOPAC

er

APPENDIX

PARTIAL ASSIGNMENT OF JUDGMENT LIEN
Hamden property

KNOW ALL MEN BY THESE PRESENTS, THAT

MARGARET CHRISTIE, EXECUTRIX OF THE ESTATE OF ANDREW LIPKO, SR.

of the Town of Plainfield, County of Washington and State of Vermont ("Assignor"), for the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold, assigned, transferred and set over, and by these presents does grant, bargain, sell assign, transfer and set over unto

MARGARET CHRISTIE, INDIVIDUALLY of the Town of Plainfield, County of Washington and State of Vermont ("Assignee").

The sum of TWENTY ONE THOUSAND EIGHT HUNDRED NINETY SIX AND 23/100 ($21,896.23) of and from that certain Judgment Lien dated May 26, 2000 and recorded June 8, 2000 in Volume 1953 at Page 059 of the Hamden Land Records, to which reference may be had for a more particular description of said Judgment Lien and of the land therein described, together with the debt and obligation therein described, and the money due or to become due thereon with the interest, more particularly judgment in the sum of $78,556.56 plus costs of $538.30.

TO HAVE AND TO HOLD the same unto the said Assignee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Assignor has hereunto set its hand and seal this 12 day of December, 2000.

Signed, Sealed and Delivered in the Presence of

s: Joanne Brickey

s: Margaret Christie
Margaret Christie, Executrix of the
Estate of Andrew Lipko, Sr.

s: Mary M. Baker

STATE OF VERMONT :
: SS:
COUNTY OF WASHINGTON :

Personally appeared Margaret Christie, Executrix of the Estate of Andrew Lipko, Sr., signor and sealer of the foregoing Instrument, and acknowledged the same to be her free act and deed before me.

s: Mary M. Baker
Notary Public/Commissioner of Superior Court

Received for record FEB 8 2001
At 9:34 A.M. at Hamden, CT

s: Vera A Morrison
Hamden Town Clerk VL 2022. PG 046

APPENDIX

PARTIAL ASSIGNMENT OF JUDGMENT LIEN
Hamden property

KNOW ALL MEN BY THESE PRESENTS, THAT

MARGARET CHRISTIE, EXECUTRIX OF THE ESTATE OF ANDREW LIPKO, SR.

of the Town of Plainfield, County of Washington and State of Vermont ("Assignor"), for the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold, assigned, transferred and set over, and by these presents does grant, bargain, sell assign, transfer and set over unto

ELEANOR LIPKO of Town of Fort Plain, County of Montgomery and State of New York ("Assignee"),

The sum of TWENTYONE THOUSAND EIGHT HUNDRED NINETY SIX AND 24/100 ($21,896.24) of and from that certain Judgment Lien dated May 26, 2000 and recorded June 8, 2000 in Volume 1953 at Page 059 of the Hamden Land Records, to which reference may be had for a more particular description of said Judgment Lien and of the land therein described, together with the debt and obligation therein described, and the money due or to become due thereon with the interest, more particularly judgment in the sum of $78,556.56 plus costs of $538.30.

TO HAVE AND TO HOLD the same unto the said Assignee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Assignor has hereunto set its hand and seal this 12 day of December, 2000.

Signed, Sealed and Delivered in the Presence of

s: Joanne Brickey

s: Margaret Christie
Margaret Christie, Executrix of the
Estate of Andrew Lipko, Sr.

s: Mary M. Baker

STATE OF VERMONT :
: SS:
COUNTY OF WASHINGTON :

Personally appeared Margaret Christie, Executrix of the Estate of Andrew Lipko, Sr., signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed before me.

S: Mary M. Baker
Notary Public/Commissioner of Superior Court

Received for record FEB 8 2001
At 9:32 A.M. at Hamden, Ct.

s: Vera A. Morrison
Hamden Town Clerk VI 2022 PG045

APPENDIX

PARTIAL ASSIGNMENT OF JUDGMENT LIEN
Hamden Property

KNOW ALL MEN BY THESE PRESENTS, THAT MARGARET CHRISTIE, EXECUTRIX OF THE ESTATE OF ANDREW LIPKO, SR. Of the Town of Plainfield, County of Washington and State of Vermont ("Assignor"), for the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold, assigned, transferred and set over, and by these presents does grant, bargain, sell assign, transfer and set over unto
ANDREW LIPKO, JR. of the Town of Hamden, County of New Haven and State of Connecticut ("Assignee").
The sum of THIRTY FIVE THOUSAND THREE HUNDRED TWO AND 39/100 ($35,305,302.39) of and from that certain Judgment Lien dated May 26, 2000 and recorded June 8, 2000 in Volume 1953 at Page 059 of the Hamden Land Records, to which reference may be had for a more particular description of said Judgment Lien and of the land therein described, together with the debt and obligation therein described, and the money due or to become due thereon with the interest; more particularly judgment in the sum of $78,556.56 plus costs of $538.30.
TO HAVE AND TO HOLD the same unto the said Assignee, its heirs and assigns forever.
In witness whereof, the Assignor has hereunto set its hand and seal this 12 day of December, 2000.
Signed, Sealed and Delivered in the Presence of

s: Joanna Brickey

s: Margaret Christie
Margaret Christie, Executrix of
The Estate of Andrew Lipko Sr.

s: Mary M. Baker

STATE OF VERMONT :
: SS:
COUNTY OF WASHINGTON :

Personally appeared Margaret Christie, Executrix of the Estate of Andrew Lipko, Sr., signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed before me.

s: Mary M. Baker
Notary Public/Commissioner of
Superior Court

Received for record Feb 8 2001
At 9:30 AM at Hamden, CT. VI. 2022 PG 044

S: Vera A. Morrison
Hamden Town Clerk

APPENDIX

Docket No. CV96 0053297 S	: SUPERIOR COURT
MARGARET CHRISTIE ET AL	: J.D. OF ANSONIA/
VS.	: MILFORD
	: AT MILFORD
ANDREW LIPKO, JR.	: MAY 26, 2000

JUDGMENT LIEN

This is to certify that MARGARET CHRISTIE ET AL., of Plainfield Vermont, on May 26, 2000, in the Superior Court within and for the Judicial District of ANSONIA/MILFORD, at MILFORD, did obtain a judgment in its favor, against ANDREW LIPKO, JR, whose last-known address is 110 Blue Hills Avenue, Hamden Connecticut, P.O. Box 536, New Haven, Connecticut. The original amount of said judgment was $78,557.56 damages, plus costs of suit, which judgment remains wholly unsatisfied, and to secure said unsatisfied sums, and the lawful interest thereon, a judgment lien in favor of said MARGARET CHRISTIE ET AL is hereby placed upon the following-described real estate of the said ANDREW LIPKO, JR. situated in the Town of HAMDEN, County of New Haven and State of Connecticut.

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND ALL OTHER IMPROVEMENTS THEREON, SITUATED IN THE Town of Hamden, County of New Haven and State of Connecticut, known as 110 Blue Hills Avenue, being Lot #27 on the map entitled, "Park Acres, Hamden, Conn., Developed by Pine Rock Homes, Incorporated. Hamden, Conn., Scale 1 inch equals 100 feet, Nov. 20, 1950". Frederick C. Hahn, Surveyor, on file in the Hamden Town Clerk's Office, said Lot being bounded

SOUTHEAST by Blue Hills Avenue, 75 feet.
EAST by the junction of Blue Hills Avenue and Baldwin Road, by a curved line, 31.42 feet;
NORTHEAST by Baldwin Road, 90.63 feet.
NORTHWEST by Lot #26 on said map, 98.92 feet;
SOUTHWEST by Lot #28 on said map, 118.39 feet.
Said premises are subject to certain restrictions contained in a deed from Pine Rock Homes, Incorporated to Frank Loraine Kockler and Genevieve H. Kockler dated February 13, 1952, recorded in Volume 314 on Page 8 of the Hamden Land Records.

Pursuant to Connecticut General Statutes S. 52-380a.

Dated at MILFORD, Connecticut this 6th day of June, 2000.

s: Christine M. Gonillo
CHRISTINE M. GONILLO
Cody & Gonillo, LLP
185 North Broad Street
Milford, Connecticut 06460
Tel: (203) 878-7491
Juris. #416476

Received for record Jun 08 2000 VL 1953 PG059
s: Vera A. Morrison
Hamden Town Clerk

APPENDIX

STATE OF CONNECTICUT Recorded:

COURT OF PROBATE Page 1

NOTICE OF HEARING (PC-130)

REV.4/85

Court of Probate, District of Milford

District Number 084

Estate of: Andrew Lipko 93-0129

Petitioner: Margaret Christie

Place of Hearing:

Probate Court for the District of Milford

Parsons Office Complex

70 West River Street

Milford, CT 06460

Date of Order: 11/27/2000 Hearing Date: 12/06/2000

Time: 12:15 P.M.

UPON THE APPLICATION OF THE PETITIONER FOR status conference AS PER APPLICATION ON FILE MORE FULLY APPEARS,

IT IS ORDERED THAT:

Said application be heard and determined at the Court of Probate at the date, time, and place indicated above. As a person who may have an interest in this matter you may attend the hearing although you are not required to attend. The court does, however, require the appearance of the attorney of record or the fiduciary if there is no attorney. If you want more information in advance of the hearing, please contact either the petitioner or the attorney, or make arrangements to visit the court prior to the hearing to review the documents which are on file.

s: Cherilyn Rein

Temp. Ass't. Clerk

APPENDIX

CV-96-0053297-S : SUPERIOR COURT
M. CHRISTIE : J.D. OF ANSONIA/MILFORD
V. : AT MILFORD
A. LIPKO : JULY 20, 2001

MOTION TO OPEN AND SET ASIDE THE JUDGMENT

STATEMENT OF FACTS AND PROCEEDINGS

This Beneficiary to the Estate of A. Lipko Sr. appealed three decisions of the Probate Court, because of Malfeasance in the Estate: Succession Tax, filed 7 months late; taxes, penalties and interest of $22,208.11; the house was sold before the inventory was in the Probate Court, lack of trust in the Executrix concerning the bank accounts, etc; and the lead attorney, Henry Maretz was removed by Probate Judge B. Joy, who, himself, resigned when the permanent injunction was issued against this Beneficiary. He had one year left to serve. The Probate Judge had refused to have the bank accounts verified, where there was legitimate cause for concern. The first appeal was dismissed in the Superior Court, and the third appeal was never returned to Superior Court. The second appeal, A.C. 15095, went up to the Appellate Court, and was dismissed on 10/25/95, on requesst of C. Gonillo. It was dismissed in error, because C. Gonillo filed her Motion to Dismiss after the 10-day period, see letter from Chief Clerk Drumm. Motion to Reopen Appeal, A.C. 15989, filed with Superior Court on 4/15/96, and C. Gonillo offered false evidence against this Beneficiary, was dismissed on 10/30/96. Petition for Certification filed with the ... .

... court of improper and illegal venue, and the action was barred by statute.

THE DEFENDANT
s: A. Lipko

A. Lipko

ORDER

The foregoing "Motion to Open and Set Aside the Judgment", having been heard by this Court, is hereby ORDERED: GRANTED/DENIED.

BY THE COURT

_____

Judge/Clerk

CERTIFICATION

I hereby certify that the foregoing has been mailed, by first class mail, postage prepaid, this 4th day of August, 2001, to Attorney Christine Gonillo, Cody & Gonillo, 185 N. Broad St., Milford, CT 06460.

THE DEFENDANT

s: A. Lipko

A. Lipko
P.O. Box 536
New Haven, CT 06503

APPENDIX

A.C. 22365 : APPELLATE COURT

M. CHRISTIE ET AL. : STATE OF CONNECTICUT

V. :

A. LIPKO JR. : MARCH 13, 2002

JURISDICTION

1. Please be advised that this Case is under the subject matter and in personam jurisdiction under the Federal Court's jurisdiction.

THE APPELLANT

s: A. Lipko Jr.
A. Lipko Jr.

CERTIFICATION

This is to certify that a copy of the foregoing was mailed, postage prepaid, to C. Gonillo, Esq., Cody & Gonillo, 185 N. Broad St., Milford, CT, this 13th day of March, 2002.

THE APPELLANT

s: A. Lipko Jr.
A. Lipko Jr.
P.O Box 536
New Haven, CT 06503

APPENDIX

RETURNDATE:SEPTEMBER25,2001	:SUPERIORCOURT
MARGARET CHRISTIE	:J.D. OF ANSONIA/ MILFORD
VS.	:AT MILFORD
ANDREW LIPKO, JR.	:AUGUST 28, 2001

NOTICE OF LIS PENDENS – MILFORD PROPERTY

In accordance with Connecticut General Statutes Sec. 52-325, notice is hereby given of the pendency of a civil action between the above named parties, which action is brought claiming a judgment of foreclosure by a writ dated August 28, 2001, and made returnable to the Superior Court for the Judicial District of Ansonia/Milford at Milford on the 4th Tuesday of September, 2001. In said action, the above named plaintiff claims an interest in and to the real property which is subject to the civil action above, which real property is bounded and described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, with the buildings thereon, situated in the City of Milford, County of New Haven and State of Connecticut, designated as Lot No. 17, as shown on Map of Property of Charles and William Honek, dated July 17, 1947, revised November 24, 1947, made by George E. Thompson, and on file in the Milford Town Clerk's Office, together with a piece of land lying to the east thereof, and being further bounded and described as follows:

WEST: On Page Street, 48.17 feet, by a curved line;
NORTHWEST: On other land now or formerly of Charles and William Honek, 19.13 feet;
NORTHEAST: On land now or formerly of Patsy and Beatrice Verrilli, 148.84 feet, more or less;
SOUTHEAST: On land now or formerly of John and Anna Ribon, 62.04 feet;
SOUTHWEST: On Lot No. 16, as shown on said map, and a passway, each in part, in all, 129.88 feet, more or less.

Together with a right of way 13 feet in width extending to Holly Street, as shown on said map.

Said premises being known as 31 Page Street.

Dated at Milford, Connecticut this 28th day of August, 2001.

THE PLAINTIFF
MARGARET CHRISTIE

BY s: Christine M. Gonillo
Christine M. Gonillo
Cody & Gonillo, LLP
185 North Broad St.
Milford, CT 06460
(203) 878-7491
Juris No. 416476

Received for record AUG 29 2001
At 3:53:51 P.M. and recorded by me.
s: Alan H. Jepson
Milford City Clerk VOL 2503 PG 705

APPENDIX

RETURN DATE: SEP 25, 2001	: SUPERIOR COURT
ELEANOR LIPKO	: J.D. ANSONIA/
VS.	: MILFORD
ANDREW LIPKO, JR	: AT MILFORD
	: AUGUST 28, 2001

NOTICE OF LIS PENDENS – MILFORD PROPERTY

In accordance with Connecticut General Statutes Sec. 52-325, notice is hereby given of the pendancy of a civil action between the above named parties, which action is brought claiming a judgment of foreclosure ~~by a writ dated~~ August 28, 2001, and made returnable to the Superior Court for the Judicial District of Ansonia/Milford ~~at Milford on~~ the 4th Tuesday of September, 2001. In said action, the above named plaintiff claims an interest in and to the real property which is subject to the civil action above, which real property is bounded and described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, with the buildings thereon, situated ~~in the City~~ of Milford, County of New Haven and State of Connecticut, designated as Lot No. 17, as shown on Map ~~of Property~~ of Charles and William Honek, dated July 17, 1947, revised November 24, 1947, made by George E. Thompson, ~~and~~ on file in the Milford Town Clerk's Office, together with a piece of land lying to the east thereof, and being further bounded and described as follows:

WEST: On Page Street, 48.17 feet, by ~~a curved line~~;
NORTHWEST: On other land now or formerly of Charles and William Honek, 19.13 feet;
NORTHEAST: On land now or formerly of Patsy and Beatrice Verrilli, 148.84 feet, more or less;
SOUTHEAST: On land now or formerly of John and Anna Ribon, 62.04 feet;
SOUTHWEST: On Lot No. 16, as shown on said map, and a passway, each in part, in all, 129.88 feet, more or less.

Together with a right of way 13 feet in width extending to Holly Street, as shown on said map.
Said premises being known as 31 Page Street.

Dated at Milford, Connecticut this 28th day of August, 2001.

THE PLAINTIFF
ELEANOR LIPKO

BY s: Christine M. Gonillo
Cody & Gonillo, LLP
185 North Broad St.
Milford, CT 06460
(203) 878-7491
Juris No. 416476

Received for record AUG 29 2001
At 3:53:23 P.M. and recorded by me.
s: Alan H. Jepson VOL 2503 PG 704

APPENDIX

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

November 30, 2000

Mr. Andrew Lipko
P.O. Box 536
New Haven, CT 06503

Re: Andrew Lipko, Jr. v. Margaret Christie
No. 00-873

Dear Mr. Lipko:

The petition for a writ of certiorari in the above entitled case was filed July 5, 2000 and placed on the docket November 29, 2000 as No. 00-873.

Forms are enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

William K. Suter, Clerk

by s: Gail B Johnson
Gail B. Johnson
Assistant

Enclosures

APPENDIX

APPELLATE COURT
STATE OF CONNECTICUT

AC22365

MARGARET CHRISTIE ET AL.
V.
ANDREW LIPKO
MARCH 20, 2002

ORDER

THE MOTION OF THE NAMED PLAINTIFF, FILED JANUARY 7, 2002, FOR MONETARY SANCTIONS, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY

ORDERED THAT THE DEFENDANT IS TO PAY MONETARY SANCTIONS IN THE AMOUNT OF $1,485.00 TO ATTORNEY CHRISTINE M. GONILLO, COUNSEL FOR THE PLAINTIFF, ON OR BEFORE APRIL 19, 2002.

BY THE COURT,

FLYNN, J., IS RECUSED.

S: Cynthia M. Gworek
ASSISTANT CLERK-APPELLATE

NOTICE SENT: 3/21/02
CHRISTINE M. GONILLO
ANDREW LIPKO, JR., PRO SE
HON. KAREN NASH SEQUINO
CLERK, SUPERIOR COURT, ANSONIA/MILFORD,
CV96 053297S
628/012707

BJM

APPENDIX

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

A. LIPKO JR.	:	
v.	:	Civ. Action No.
M. CHRISTIE	:	3:02 CV 479 (SRU)

ORDER

A.Lipko Jr. ("Lipko") has moved for entry of a temporary restraining order to prevent the apparently imminent foreclosure of his home to satisfy a state court judgment. Specifically, Lipko seeks to restrain the defendant, Margaret Christie ("Christie"), who has secured a judgment against Lipko in the underlying action, as well as numerous third parties including the "State of Connecticut, Supreme, Appellate, Superior Court Jurist, the Agents of State," and Christie's lawyer in the underlying action, until the court can determine the merits of this action.

A party seeking a temporary restraining order ("TRO") must show that he will suffer irreparable harm if the order is not granted and either (1) a likelihood of success on the merits, or (2) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in his favor. Warner-Lambert Co. v. Northside Development Corp., 86 F.3d 3, 6 (2d Cir. 1996); Jackson Dairy, Inc. V. H.P. Hood & Sons, 596 F.2d 70, 72 (2d Cir. 1979). The purpose of a TRO is "to preserve an existing situation in statu quo' until the movant's forthcoming application for a preliminary injunction may be fully considered." Warner Bros. Inc. v. Dae Rim Trading, Inc., 877 F.2d 1120, 1125 (2d Cir. 1989) (quoting Pan American World Air. V. Flight Eng. Intern. Assoc., 306 F.2d 840, 842 (2d Cir. 1962)).

Assuming that the imminent foreclosure of Lipko's home would constitute irreparable harm, he is, nonetheless, not entitled to the requested TRO because he has failed to demonstrate either a likelihood of success on the merits or sufficiently serious questions going to the merits. Specifically, Lipko is unlikely to succeed on the merits because this court, in all likelihood, lacks subject matter jurisdiction over the claims in Lipko's Complaint.

In Rooker v. Fidelity Trust Co. 263 U.S. 413, 415-16 (1923), and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 482 (1983), the Supreme Court held that the federal district court lacks subject matter jurisdiction to review state court judgments. Thus, under the Rooker-Feldman doctrine, the federal district cannot entertain a collateral attack on a state court judgment "cloak[ed] ... as a [section] 1983 action." Davidson v. Garry, 956 F. Supp. 265, 269 (E.D.N.Y. 1996), aff'd, 112 F.3d 503 (2d Cir. 1997). Section 1983 may not be used as a substitute for the right of appeal in the state courts. See Tonti v. Petropoulous, 656 F.2d 212, 216 (6th Cir. 1981); McArthur v. Bell, 788 F. Supp. 706, 709 (E.D.N.Y. 1992); Noyce v. City of Iola, Kansas, No. 89-4092-R, 1990 WL 41399 (D. Kan. Mar. 29, 1990) (citing cases).

Lipko's claims are, in all likelihood, barred by the Rooker-Feldman doctrine. All of the alleged facts supporting his claims arise in the context of the underlying state actions. (See Compl. P. 4.) Moreover, each of the claimed violations of his federal rights arise out of, and are indistinct from, the underlying judgment. See Johnson v. Smithsonian Inst., 189 F.3d 180, 186 (2d Cir. 1999), citing Garry v. Geils, 82 F.3d 1362, 1365 (7th Cir. 1996)("[T]he fundamental and appropriate question to ask is whether the injury alleged by the federal plaintiff resulted from the state court judgment itself or is distinct from that judgment."). For example, Lipko alleges that he was denied his "right to [a]

determination [of] probable cause before the Trial and that the information which formed the basis of the Trial and prosecution was supplied by the state agent. ... with the knowledge that it was false." (Compl. P. 4.) He also frames his injury as his having been "falsely prosecuted." (Id.) In addition, Lipko asserts that the foreclosure action "deprived him of his property without due process," and he challenges "the State Statute as procedurally defective under the Fourteenth Amendment." (Id.) Finally, Lipko asks the court, inter alia, to "[v]acate all the judgment liens on the two properties; and vacate the order of the Appellate Court for a hearing on damages ..." and that the "Defendants be enjoined ... from issuing any execution on the alleged judgment or from taking any steps to enforce the alleged judgment." (Id. P. 5.) Thus, Lipko is not likely to succeed on the merits of his claims because, in all likelihood, this court lacks subject matter jurisdiction over them by operation of the Rooker-Feldman doctrine.[1] See, e.g., Beckford v. Citibank N.A., No. 00 Civ. 205, 2000 WL 1585684 at *2-4 (S.D.N.Y Oct. 24, 2000)(barring plaintiff's claim that defendants violated federal and state law during foreclosure proceedings); Drew v. Chase Manhattan Bank, N.A., No. 95 Civ. 3133, 1998 WL 430549 at * 6 (S.D.N.Y. July 30, 1998) (barring pro se plaintiff's claims under Sec. 1983 that foreclosure judgment violated plaintiff's due process and equal protection rights and was procured by fraud); Millman v. PNC Bank, No 97 Civ. 3097 (HB), 1998 WL 635548 (S.D.N.Y. Sept 16, 1998) (dismissing common law fraud and bad faith claims attacking process used by defendants to obtain deficiency judgment entered in state court); Simpson v. Putnam County Natl.

[1] The court will not dismiss this action at this time, sua sponte, for lack of subject matter jurisdiction because the pro se plaintiff has not yet had an opportunity to address this issue, either in reply to an opposition to the motion for a TRO (because no opposition has been filed), or to an order to show cause issued by the court. Lipko will, therefore, have an opportunity to address the jurisdictional issue by responding to the defendants' motion to dismiss.

Bank of Carmel, 20 F. Supp. 2d 630 (barring complaint that alleged state foreclosure judgment ~~was procured by fraud~~ and conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. Sec. 1961 et seq.)(S.D.N.Y. 1998).

Finally, to the extent Lipko's pro ~~se complaint can~~ liberally be construed as stating some viable federal cause of action other than a Section 1983 claim, ~~his claim would~~ also likely be barred by the Anti-Injunction Act, 28 U.S.C. Sec. 2283, since he essentially seeks a "stay ~~[of] proceedings~~ in [] State court. ..." See Jos. L. Muscarelle, Inc. v. Central Iron Mfg. Co., 328 F. 2d 791, 793 (3rd Cir. 1964)("To come within the prohibition of [the Anti-Injunction Act] an injunction need not be addressed to or directed against a state court or state officers. Injunctions are also ~~prohibited~~ which restrain litigants from prosecuting or going forward with state proceedings. Moreover, an injunction ~~against execution~~ or any other proceeding to enforce a state judgment is forbidden as well as one against the prosecution of ~~state litigation~~ to obtain a judgment.")(citations omitted).

Accordingly, Lipko's motion for ~~entry of a TRO~~ and accompanying proposed order **[docs # 3 & 9]** are denied. Lipko shall, on or before thirty days from ~~the date of this~~ order, file an opposition to the defendant's motion to dismiss. In his opposition, Lipko should specifically ~~address the~~ issue of whether his claims are barred by the Rooker-Feldman doctrine. Lipko should note that, if the Court ~~finds that~~ his claims are barred by the Rooker-Feldman doctrine, Lipko's Complaint will be dismissed and the case ~~will be closed~~.

It is so ordered.

Dated at Bridgeport this 9th day of May 2002.

s: Stefan R. Underhill United States District Judge

APPENDIX

D. Conn.
02-cv-479
Underhill, J.

United States Court of Appeals
For the
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 13th day of June, two thousand and two,

Present:

Hon. Roger J. Miner,
Hon. Jose A. Cabranes,
Hon. Rosemary S. Pooler,
Circuit Judges.

A. Lipko, Jr.,

Plaintiff-Appellant,

v. 02-7641

Margaret Christie;

Defendant-Appellee.

Appellant has filed, pro se, a motion for a temporary restraining order in his appeal from the district court's refusal to issue a temporary restraining order enjoining the sale of real property pursuant to a state court judgment. Upon due consideration, it is ORDERED that the motion is denied, and the appeal is dismissed, because the appeal lacks an arguable basis in fact or law. See Neitzke v. Williams, 490 U.S. 319, 325 (1989); Pillay v. I.N.S., 45 F.3d 14 (2d Cir. 1995).

FOR THE COURT;
Roseann B. MacKechnie, Clerk

By: s: Arthur Heller

APPENDIX

P.O. BOX 210
14 WEST RIVER STREET
MILFORD, CONNECTICUT 06460

DOC NO CV-96-0053297-S
NOTICE ISSUED 08/08/96
PLTF CHRISTIE MARGARET ETAL VS.
DFDT LIPKO, ANDREW JR.

PLEASE BE ADVISED THAT THE FOLLOWING
ORDER HAS BEEN ENTERED ON THE ABOVE CASE:

116-00 MOTION TO DISMISS FILE DT 06/26/96
DEND – DATE 08/06/96 JUDGE SKOLNICK, J.

ANDREW LIPKO JR.
PO BOX 536
NEW HAVEN, CT
06503

DIRECT INQUIRIES TO: CLERKS OFFICE,
JUD. DIST. SUPERIOR COURT
P.O. BOX 210
14 WEST RIVER STREET
MILFORD, CONNECTICUT 06460

APPENDIX

Re: Docket No. 98GP16(RNC): Complaint of A.Lipko Jr.
RESPONSE TO GRIEVANCE COMPLAINT FILED BY ANDREW LIPKO, JR.

Andrew Lipko, Jr. is a pro se party in several probate related matters brought since his father passed away in May of 1993. I have represented Margaret Christie, Executrix of the Estate of Andrew Lipko, Sr. in much of this litigation. Mr. Lipko and Mrs. Christie are siblings. Andrew Lipko, Sr. was their father. Mrs. Christie originally hired my former firm, Hurwitz & Sagarin, P.C.(which, for a time, became Harris Beach & Wilcox, LLP but then reverted back to its former status) for the probate estate work. We also defended the various probate motions and appeals Mr. Lipko had filed when he attempted to remove Ms. Christie as the Executrix. He criticized practically every official action she took as the Executrix. For several years, Mr. Lipko filed probate motions, followed by probate appeals to the Superior Court, followed by appeals to the State Appellate Court and certification petitions to the Supreme Court. His motions included a request for exhumation of his father's body for an autopsy and a request for Ms. Christie to post a $200,000.00 probate bond. He also filed an application for temporary injunction in Superior Court to prevent Ms. Christie from removing documents from the decedent's home. All his litigation was unsuccessful, and it became progressively repetitive as the years have gone by.

Finally, Ms. Christie authorized the firm to file an application for temporary and permanent injunction and complaint for vexatious litigation against Mr. Lipko. A two day trial of that matter occurred in May of 1997. In August of that year, Judge Curran issued a Memorandum of Decision granting a permanent injunction preventing Mr. Lipko from filing any further motions and/or appeals to further delay the closing of the Estate of Andrew Lipko, Sr.

Judge Curran also found that Ms. Christie had established a claim for vexatious litigation. A copy of Judge Curran's Memorandum of Decision is included in Mr. Lipko's materials. I attach another copy to this response.

I took the file with me when I left Hurwitz & Sagarin in May of this year. One of the reasons I agreed to take the case was that the matter had become so convoluted and complex that it would be difficult and costly for a new attorney to handle the matter expeditiously. At that time Mr. Lipko's appeal of Judge Curran's judgment was making its way through the Appellate Court. By August of this year, the Appellate Court dismissed that appeal because Mr. Lipko failed to file an appropriate record. Apparently Mr. Lipko abandoned his State Appeal when he decided to file a complaint in the United States District Court. He filed his federal complaint in the same month the State Appeal was dismissed. The complaint is another rehashing of all the litigation he has brought over the last five years. It is, in essence, an appeal to the District Court of Judge Curran's State Court decision. It is a violation of Judge Curran's injunction. The complaint bears docket no. 3:98 CV 01730 (AHN). I have filed a motion to dismiss the federal complaint. That motion is currently pending. The District Court has denied Mr. Lipko's motion for default against me for failure to file an answer. Mr. Lipko has also filed a motion for summary judgment.

APPENDIX

APPELLATE COURT
STATE OF CONNECTICUT

AC 22365

MARGARET CHRISTIE ET AL.
V.
ANDREW LIPKO, JR.

February 20, 2002

ORDER

THE MOTION OF THE PLAINTIFF-APPELLEE, FILED JANUARY 7, 2002, TO DISMISS ~~APPEAL~~ AND FOR MONETARY SANCTIONS, HAVING BEING PRESENTED TO THE COURT, IT IS ~~HEREBY~~ ORDERED GRANTED AS TO THE PORTION OF THE MOTION THAT RELATES TO DISMI~~SSAL OF~~ THE APPEAL. THE PORTION OF THE MOTION THAT RELATES TO MONETARY SANCTIO~~NS WILL~~ ~~BE~~ SET DOWN FOR HEARING DURING THE SIXTH TERM OF THE APPELLATE COURT.

~~BY THE COURT,~~
S: Alan M Gannuscio
ASSISTANT CLERK-APPELLATE

NOTICE SENT: FEBRUARY 21, 2002
CHRISTINE M. GONILLO
ANDREW LIPKO, JR., PRO SE
HON. KAREN NASH SEQUINO
CLERK, SUPERIOR COURT, ANSONIA/MILFORD,
CV96 53297
PAC
er 628/012707

APPENDIX

A.C. 22365 : APPELLATE COURT
MARGARET CHRISTIE ET AL.: STATE OF CONN.
VS. :
ANDREW LIPKO, JR. : January 4, 2002

MOTION FOR PERMISSION TO FILE LATE BRIEF AND FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF

The brief of the plaintiff-appellee ("plaintiff") was due on January 2, 2002 due to defendant's-appellant's ("defendant's") early filing of his brief. Plaintiff hereby moves for permission to file her brief late and for an extension of time within which to do so. Plaintiff seeks an extension of time within which to file her brief up through and including forty-five days from the issuance of notice of the court's decision on her motion to dismiss appeal and for monetary sanctions, which is also dated January 4, 2002.

1. BRIEF HISTORY OF CASE;

Defendant's appeal is from the denial of defendant's August 20,2001 motion to open or vacate the court's May 26, 2000 damages judgment in the Estate's favor against defendant for vexatious litigation in the sum of $78,556.56 plus costs. Plaintiff as Executrix of the Estate obtained the damages judgment in the underlying action bearing docket number CV 96 0053297 S.

Defendant filed its motion to open or vacate ("motion to open") one year and three months after the damages judgment. This is well past the four month period in which to request that a judgment be opened pursuant to C.G.S. Sec. 52-212a and P.B. Sec. 17-43. The trial court denied the motion to open on the papers. ...

THE PLAINTIFF-APPELLEE

BY s: Christine M. Gonillo
Christine M. Gonillo
Cody & Gonillo, LLP #416476
185 N. Broad Street
Milford, CT 06460
203-878-7491

CERTIFICATION

This is to certify that pursuant to Sec 62-7 the foregoing has been mailed, postage prepaid this 4th day of January 2002 to:

Andrew Lipko, Jr.
P.O. Box 536
New Haven, Connecticut 06503
Telephone Number unknown

s: Christine M. Gonillo
Christine M. Gonillo

APPENDIX

A.C. 22365	: APPELLATE COURT
MARGARET CHRISTIE ET AL.	: STATE OF CONN.
VS.	:
ANDREW LIPKO, JR.	: January 4, 2002

MOTION TO DISMISS APPEAL AND FOR MONETARY SANCTIONS

This is the latest in an eight-year saga of litigation that a brother has instituted pro se involving his sister who was the Executrix of probate estate of their father, Andrew Lipko, Sr. ("Estate").

Pursuant to P.B. Sec. 85-2 and 85-3, plaintiff Margaret Christie ("Plaintiff") hereby moves to dismiss her brother Andrew Lipko Jr.'s ("Defendant")'s latest appeal and for a reasonable attorney's fee for the filings necessary to defend this appeal.

Defendant's appeal is from the trial court's denial of Defendant's August 20, 2001 motion ("Motion") to open or vacate the trial court's May 26, 2000 damages judgment in the Estate's favor against Defendant for vexatious litigation in the sum of $78,556.56 plus costs ("Damages Judgment")[1]. Plaintiff as Executrix of the Estate obtained the Damages Judgment in the underlying action bearing docket number CV 96 0053297 S ("Action").

---

[1] Since Plaintiff received the Damages Judgment as Executrix of the Estate and Defendant is a one-third beneficiary of the residual Estate, the Estate had to distribute a portion of the Damages Judgment to Defendant in his capacity as a beneficiary, thereby effectively reducing the Damages Judgment by one-third.

Defendant never appealed the Damages Judgment. Defendant filed its Motion one year and three months after the Damages Judgment. This is well past the four ...

Defendant's Motion is extraordinarily untimely as it is well past the four month period in which to request that a judgment be opened pursuant to C.G.S. Sec. 52-212a and P.B. Sec. 17-43.

C.G.S. Sec 52-212a states in pertinent part as follows: Sec. 52-212a. Civil judgment or decree reopened or set aside within four months only. ... a civil judgment or decree rendered in the Superior Court may not be opened or set aside unless a motion to open or set aside is filed within four months following the date on which it was rendered or passed. ...

Practice Book Sec. 17-43 states in pertinent part as follows: Sec. 17-43. Opening Judgment upon Default or Nonsuit (a) Any judgment rendered or decree passed upon a default or nonsuit may be set aside within four months succeeding the date on which notice was sent ...

Defendant fully participated in the trial that occurred in May of 1997. It was at that time that the court found that both an injunction and damages for vexatious litigation were in order. The Damages Judgment was entered in May of 2000. In the intervening period Defendant had brought further litigation in state and federal court.

At the hearing in damages on May 26, 2000, Plaintiff appeared and presented evidence. Defendant failed to appear although his pro se appearance has been in the file at all times. The Court sent Notice of the Damages Judgment to Defendant as an appearing party per Notice dated May 26, 2000 (SCDE 190.00). Defendant never appealed the Damages Judgment.

There is no legitimate legal basis to Defendant's assertion that the trial court in the underlying Action had no jurisdiction over him at the time the Damages Judgment was entered.

Defendant's assertion that he was immune from proceedings in the Action is without any legal merit whatsoever. ...

... circumstances here. This Court has dismissed appeals as frivolous where no good faith argument could be raised on appeal. See e.g., Glenfeld Mortgage Corp. V. Crowley, 61 Conn. App. 84 2000).

P.B. Sec. 85-2 permits the assessment of attorney's fees against pro se parties such as Defendant here, for the filing of this frivolous appeal.

Defendant's appeal is pure and simple abuse of the court system that neither an Injunction Judgment or Damages Judgment has managed to deter. Defendant's assertion that the trial court in the underlying Action had no jurisdiction over him when the Damages Judgment entered is pure fantasy lacking any legal foundation whatsoever.

Further, Defendant's chronic abuse of the legal process is egregious. He has been unfettered in his constant barrage of litigation that continues to cost Plaintiff time and money. Plaintiff has not pursued the foreclosures of the judgment liens obtained in the underlying Action due to this appeal of the Damages Judgment obtained in the underlying Action. Instead Plaintiff is forced to continue to pay counsel to defend against this baseless appeal.

CONCLUSION:

For the reasons stated above Plaintiff's motion to

dismiss and for monetary sanctions should be granted.

THE PLAINTIFF

BY s: Christine M. Gonillo
Christine M. Gonillo
Cody & Gonillo, LLP #416476
185 N. Broad Street
Milford, CT 06460
203-878-7491

CERTIFICATION

This is to certify that pursuant to P.B. Sec. 62-7, the foregoing has been mailed, postage prepaid this 4th day of January 2002 to:

Andrew Lipko, Jr.
P.O. Box 536
New Haven, CT 06503
Telephone Number unknown

s: Christine M. Gonillo
Christine M. Gonillo

APPENDIX

State of Connecticut
DIVISION OF CRIMINAL JUSTICE
OFFICE OF
THE CHIEF STATE'S ATTORNEY

JOHN M. BAILEY
CHIEF STATE'S ATTORNEY

300 CORPORATE PLACE
ROCKY HILL, CT. 06067
PHONE (860) 258-5800

April 8, 1997

Mr. A. Lipko
P.O. Box 536
New Haven, CT. 06503

Re: Your letter Concerning Attorney C. Gonillo

Dear Mr. Lipko:

I have reviewed your letter to Chief State's Attorney John M. Bailey. I note in your recitation of relevant facts that you have filed a parallel complaint with the Statewide Grievance Committee.

The Statewide Grievance Committee has historically investigated all complaints concerning attorney misconduct. That staff routinely forwards all evidence of criminal conduct to this Office for action. I will, therefore, wait for the decision by that agency before deciding any course of action.

If you have any questions, please feel free to contact me.

Sincerely,
s: Julia D. Dewey
Supv. Assistant State's Attorney
Statewide Prosecution Bureau

c: John M. Bailey
Chief State's Attorney
JDD:ad

APPENDIX

CONNECTICUT STATE STATUTES

Section 52-517. Replevin for property attached. When any property is held by an officer by virtue of a writ of attachment, any person other than the defendant having a general or special property interest therein with a right to the immediate possession thereof, and, when the property so held is claimed by the defendant to be exempt from execution, the defendant may bring an action of replevin against the officer alone, or against the plaintiff in the writ of attachment, or against both, to recover the property.

Section 52-518. Replevin writ; affidavit as to value of goods and recognizance required. A writ of replevin shall not be issued: (1) Until the plaintiff, or some other credible person, subscribes an affidavit annexed to the writ stating the true and just value of the goods which it is desired to replevy, and that the affiant believes that the plaintiff is entitled to the immediate possession of the goods, and (2) until some person, known to the authority signing the writ to be of sufficient responsibility, has entered into a recognizance before him, with at least one sufficient surety, in a sum at least double the sworn value of the property, conditioned (A) that the plaintiff shall prosecute his action to effect, (B) for the payment of any judgment that may be recovered by the defendant in the action, and (C) for the return of the property to the defendant and payment to the defendant of damages sustained by the replevy of the property if the plaintiff fails to establish his right to its possession. The recognizance shall be signed by the obligors in the presence of at least one witness other than the authority taking the recognizance. A record of the recognizance shall be entered at the foot of the writ before the writ is issued, and copies of the process left in service shall contain the affidavit and the recognizance.

Section 52-521. Replevin: service; new bond; voiding of process. (a) The officer who replevies property shall leave a true and attested copy of the process with the defendant, or at his usual place of abode, within three days after the replevy, and shall retain the property replevied in his custody for twenty-four hours after leaving the copy, unless the defendant endorses on the writ that he is satisfied with the amount and sufficiency of the recognizance taken on issuing the writ.

(b) If the defendant is not satisfied with the recognizance, he may, at any time before the return day of the writ, cite the plaintiff or his attorney, or the officer serving the writ, if the property still remains in his custody, to appear at once before a judge of the superior court where the replevin was effected, to respond to a motion for a new bond. The judge may hear the motion and, at his discretion, order a new or further bond, conditioned like the recognizance taken on issuing the writ, signed by the obligors, and delivered to the defendant, by whom it shall be transmitted to the court to which the writ was made returnable. If the order is made while the property replevied remains in the custody of the officer, he shall not deliver the property to the plaintiff until the bond is given.

(c) If an order for a new bond is not complied with, or if the officer fails to leave with, or at the usual place of abode of, the defendant a true and attested copy of the writ, or to retain the property in his custody, as hereinbefore provided, the writ of replevin shall be null and void.

(d) If it appears to the court before which an action of replevin is pending that the replevin bond attached to the writ is insufficient, the court may, at its discretion, order a new or further replevin bond to be given to the plaintiff, conditioned like the recognizance taken on issuing the writ. If the plaintiff fails to comply with the order, he shall be nonsuited.

Section 52-525. Statement of title. (a) An allegation by either party that the party pleading or a third person was, at the time when the action of replevin was commenced, or at the time the goods were replevied, the owner of the goods, or that they were then his property, is a sufficient statement of title unless the right of action or defense rests upon a right of possession by virtue of a special property interest.

(b) If the right of action or defense rests upon a right of possession by virtue of a special interest, the pleading shall set forth the facts upon which the special property interest depends so as to show that, at the time when the action was commenced or the goods were replevied, as the case may be, the party pleading or the third person was entitled to the possession of the goods.

(c) The defendant may, by answer, defend on the ground that a third person was entitled to the possession of the goods without connecting himself with the latter's title.

APPENDIX

STATE OF CONNECTICUT
SUPERIOR COURT
JUDICIAL DISTRICT OF
ANSONIA/MILFORD

CV96 0053297S	SUPERIOR COURT
MARGARET CHRISTIE, ET AL.	
VS.	JUDICIAL DISTRICT OF ANSONIA/MILFORD AT MILFORD
ANDREW LIPKO, JR.	AUGUST 15, 1997

MEMORANDUM OF DECISION

The plaintiff, Margaret Christie, individually and as executrix of the Estate of Andrew Lipko, Sr., brought this two-count action against the defendant, Andrew Lipko, Jr. who is her brother. The first count seeks to enjoin permanently the defendant from filling any further motions and/or appeals to further delay the closing of the Estate of Andrew Lipko, Sr. The second count sets forth a claim for vexatious litigation and seeks $43,648.55 in damages. After full consideration of the evidence presented to the court, the court finds that the plaintiff, as executrix of the estate, has suffered irreparable harm and been left with no adequate remedy at law and furthermore finds that the plaintiff has established a claim for vexatious litigation. The court therefor permanently enjoins the defendant from filing any further motions and/or appeals to further delay the closing of the Estate of Andrew Lipko, Sr. Accordingly, the court enters judgment for the plaintiff, but reserves decision of the matter of damages until a hearing in damages is held.

In conclusion, the court enters judgment for the plaintiff on both counts and permanently enjoins the defendant from filing any further motions and/or appeals to further delay the closing of the Estate of Andrew Lipko, Sr. Although, the plaintiff claims fees and expenses of $43,648.55 and seeks double or treble damages pursuant to General Statutes Section 52-568, the court will reserve decision on this matter until a Hearing in Damages is held.

Judgment may enter in accordance with the above.

The Court

s: Curran. J
Curran, J.

1

Connecticut Statutes Section 52-568 provides that "Damages for groundless or vexatious suit or defense. Any person who commences and prosecutes any civil action or complaint against another, in his own name or the name of others, or asserts a defense to any civil action or complaint commenced and prosecuted by another (1) without probable cause, shall pay such other person double damages, or (2) without probable cause, and with a malicious intent unjustly to vex and trouble such other person, shall pay him treble damages."

APPENDIX

RETURN DATE: MARCH 5, 1996	: SUPERIOR COURT
MARGARET CHRISTIE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ANDREW LIPKO, SR.	: J.D. OF ANSONIA/ : MILFORD
VS.	: AT MILFORD
ANDREW LIPKO, JR.	: FEBRUARY 8, 1996

APPLICATION FOR TEMPORARY INJUNCTION

The plaintiff in the above entitled action hereby makes application for a temporary injunction in accordance with her prayer for relief, and respectfully requests that the temporary injunction be issued without bond as plaintiff has sufficient funds with which to prosecute this matter to its conclusion, and that the defendant be ordered to appear at an early date to show ... cause why the prayer for an injunction should not be granted.

PLAINTIFF
MARGARET CHRISTIE, EXECUTRIX

BY: s: Christine M. Gonillo
Christine M. Gonillo
Hurwitz & Sagarin, P.C.
147 North Broad Street
Milford, CT 06460
(203) 877-8000
Juris #26616

APPENDIX

RETURN DATE: MARCH 5, 1996	:	SUPERIOR COURT
MARGARET CHRISTIE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ANDREW LIPKO, SR.	:	J.D. OF ANSONIA/ MILFORD
VS.	:	AT MILFORD
ANDREW LIPKO, JR.	:	FEBRUARY 8, 1996

SUMMONS

To any Proper Officer:

By authority of the state of Connecticut you are hereby commanded to summon the defendant in the foregoing action, ANDREW LIPKO, JR., 31 Page Street, Milford, Connecticut 06460, to appear before the superior court at the place and time specified in the foregoing order, then and there to show cause why a temporary injunction should not be issued against him as prayed for in the foregoing complaint and application, by serving in the manner provided by statute for the service of process a true and attested copy of the foregoing writ and verified complaint, application, order and of this summons on the defendant on or before March 5, 1996
Thereof and fail not, but due service and return make.
Dated at Milford, Connecticut this 4th day of February.

S: Christine M. Gonillo
Christine M. Gonillo
Commissioner of the Superior Court

APPENDIX

RETURN DATE: MARCH 5, 1996	: SUPERIOR COURT
MARGARET CHRISTIE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ANDREW LIPKO, SR.	: J.D. OF ANSONIA/ MILFORD
VS.	: AT MILFORD
ANDREW LIPKO, JR.	: FEBRUARY 8, 1996

COMPLAINT

INTRODUCTION:

This is a complaint brought in two counts against defendant Andrew Lipko, Jr. The first count seeks permanent and temporary relief enjoining the defendant Andrew Lipko, Jr. from continuing this abusive pro se dalliances in the probate court, superior court and appellate courts which have effectively prevented plaintiff from closing the Estate of Andrew Lipko, Sr. The second count is for vexatious litigation. Defendant's frivolous, vexatious and dilatory motions and appeals against plaintiff over the past two and a half years has delayed the closing of the Estate of Andrew Lipko, Sr. and has served to harass and abuse the Executrix....

... any and all appeals from probate of the estate of Andrew Lipko, Sr.

2. Damages, including double and treble damages.

PLAINTIFF
MARGARET CHRISTIE, EXECUTRIX
BY: s: Christine M. Gonillo
Christine M. Gonillo
Hurwitz & Sagarin, P.C.
147 North Broad Street
Milford, CT 06460
(203) 877-8000

APPENDIX

SUPREME COURT
STATE OF CONNECTICUT

NO. PSC-96-0229

Andrew Lipko
v.
Estate of Andrew Lipko, Sr. et al.

ORDER ON PETITION FOR CERTIFICATION TO APPEAL

On consideration of the petition by the plaintiff for certification to appeal from the Appellate Court [AC 15898], it is hereby ordered that said petition be, and the same is hereby denied.

BY THE COURT,

s: Alan M. Gannuscio
ASSISTANT CLERK-APPELLATE

Dated: December 18, 1996
Notice sent: 12/18/96
Clerk, Appellate Clerk
Reporter of Judicial Decisions
SAO
Andrew Lipko, pro se
Hurwitz & Sagarin, P.C.

Andrew Lipko, pro se, in support of petition; Christine M. Gonillo in opposition.

APPENDIX

CV 01-0075535 S	:	SUPERIOR COURT
ELEANOR LIPKO	:	J.D. OF ANSONIA/MILFORD
VS.	:	AT MILFORD
ANDREW LIPKO, JR.	:	April 23, 2002

NOTICE OF ENTRY OF JUDGMENT

Pursuant to P.B. Sec. 17-22, notice is given that on April 15, 2002, the Court (Moran, J.) entered a Judgment of Foreclosure by Sale with respect to the above entitled matter as to the property located at 31 Page Street, Milford, Connecticut. The Judgment is more particularly set forth as follows:

JUDGMENT DEBT: $26,031.24
COUNSEL FEES: $2,795.50
APPRAISAL FEE: $ 225.00
VALUE OF THE TITLE SEARCH FEE: $ 75.00
SUBJECT PROPERTY:$164.000.00
DATE & TIME OF SALE: June 15, 2002 at 12:00 NOON on the premises
SIGN TO BE POSTED NOT LATER THAN: One month prior to sale date
APPRAISER: Robert Ranaudo
RETURN OF APPRAISER TO BE MADE: Two weeks prior to sale date
PUBLICATION: The New Haven Register two Sundays before sale date
INSURANCE TO BE ORDERED FOR SALE DATE: YES
DEPOSIT: $17,000.00
DEPOSIT WAIVED FOR PLAINTIFF: YES

THE PLAINTIFF

BY s: Christine M. Gonillo
CHRISTINE M. GONILLO
CODY & GONILLO, LLP #41676
185 North Broad Street
Milford, CT 06460
Telephone 203-878-7491

CERTIFICATION

This is to certify that a copy of the foregoing was mailed, first class mail postage prepaid on the date above written to the following non appearing party:

Andrew Lipko, Jr.
P.O. Box 536
New Haven, Connecticut 06503

s: Christine M. Gonillo
Christine M. Gonillo

Clerk, Superior Court
14 West River Street
Milford, CT 06460

APPENDIX

CV 01-0075536 S : SUPERIOR COURT
MARGARET CHRISTIE : J.D. OF ANSONIA/MILFORD
VS. : AT MILFORD
ANDREW LIPKO, JR. : April 23, 2002

NOTICE OF ENTRY OF JUDGMENT

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New Haven, Connecticut 06503

s: Christine M. Gonillo
Christine M. Gonillo

Clerk, Superior Court
14 West River Street
Milford, CT 06460

CONSTITUTIONAL PROVISIONS INVOLVED

1. Amendment 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

2. Amendment 4: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

3. Amendment 5: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when an actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation".

4. Amendment 8: Excessive bail shall not be required, no excessive fines imposed, nor cruel and unusual punishments inflicted.

5. Amendment 14: All persons born or naturalized in the U.S., and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.; nor shall any State deprive any person of life, liberty, or property, without

due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

6. United States Code, Title 28, Section 1343: The district Courts shall have original jurisdiction –(1) to recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in Section 1985 of Title 42: (2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in Section 1985 of Title 42 which he had knowledge were about to occur and power to prevent; (3) To redress the deprivation under color of any state law, statute, ordinances, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of Civil Rights, including the right to vote.

7. United States Code, Title 42, Section 1983: "Every person who,under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction there of to the deprivation of any rights, privilege, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any Act of Congress applicable exclusively to the District of Columbia.